THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.1860 of 2006

DATED: 01.02.2006

Between:

1. L.Gangamani, d/o.Narsimhulu, E.850753,
2. N.Narmada Kumari, d/o.Narayana, E.850775,
3. J.Sulochanadevi, d/o.Rajanna, E.850904
4. P.Urmila, w/o.Ram Mohan, E.850805,
5. S.Godavari, d/o.Ganganna, E.850763,
6. V.Kavitha, d/o.Ramaswamy, E.850515,
7. Gangubai, d/o.Damodhar, E.850810,
8. A.Ramadevi, E.850629,

Daily wage Conductors, Adilabad Region.

… Petitioners

and

The Regional Manager,

A.P.S.R.T.C, Adilabad Region,

Adilabad District. … Respondent.

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ORDER:

The petitioners were employed as conductors in the Adilabad Region of A.P.S.R.T.C on daily wage basis. The Regional Manager, Adilabad, respondent herein, issued orders dated 16.09.2005 requiring the petitioners to report to the Hyderabad City Region for being engaged as conductor at that place. Alleging that the petitioners did not report to the duty at Hyderabad City Region within the stipulated time, the respondent passed the order dated 05.1.2006 deleting the names of the petitioners from the select panel of daily wage conductors. The same is challenged in this writ petition.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent.

The petitioners are woman conductors. It is virtually out of desperation that woman candidates would chose to be appointed or engaged as conductors in the A.P.S.R.T.C. It is not as if the petitioners was being paid monthly salary. They have been included in the panel and the entrustment of work to them would depend upon the need on the concerned day. The R.T.C. would be under obligation to pay wages only for the days on which the petitioners are engaged as conductors.

The petitioners were transferred from Adilabad Region to Hyderabad Region. Though the direction to the petitioners by the respondent was to report duty at a different region, in effect it is nothing but a transfer. This Court held, in number of cases, that transfer of employees from one region to another can be effected only by the Executive Director. It was further observed that the inter-regional transfers may

be effected only after ascertaining the views of the persons concerned where their appointment is on daily wages. The continuance of the petitioner on the panel of daily wage conductors at Adilabad region cannot be said to have resulted in any financial loss to the Corporation. Further, the difficulty to be faced by the petitioners on their being required to remain at Hyderabad, that too on daily wage basis without any assured income can easily be imagined.

Having regard to the facts and circumstances of the case, the writ petition is allowed and the impugned order is hereby set aside. The names of the petitioners shall be continued in the panel of select conductors and the entrustment of the duties to the petitioners shall depend upon the availability of work on the concerned day. However, if the transfer becomes inevitable, the petitioners shall be given the option, to choose the places of their choice within the region.

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01.02.2006.

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